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H – 1036

International Court of Justice

H1036 - 0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

SUBMISSION OF AFFIDAVITS BY THE DEFENSE PURSUANT TO THE ORDER OF THE TRIBUNAL DATED 5 JULY 1946.

20 July 1946.

COMMISSIONER:

Mr. George R. Taylor.

THE SA - STAHLHELM

(THE COMMISSION CONVENED AT 1000 HOURS.)

BY THE COMMISSIONER:

You may proceed, Dr. Klafisch, with the presentation of your affidavits on behalf of the SA-Stahlhelm.

DR. KLAFISCH: I have a total of 29 affidavits. I took out about 20 yesterday. These affidavits concern themselves with the Stahlhelm SA, which had about one million members. First of all in this affidavit book I made a list of the contents of each affidavit and then I started out with a list in the order of evidence. In addition to that I made some explanations. In the explanation I stated that the red numbers on the affidavits are the same as the numbers on the list of contents. Before every affidavit there is a short summary. All affidavits are presented on various points of view as to their importance of evidence. If a certain affidavit is considered not relevant, therefore, it can only be stricken from the record if it can be shown that it does not touch any other points of the evidence. There are various affidavits present that on the whole say about the same thing. I do not consider them cumulative however since

H1036 - 0003

they concern themselves with various different areas within Germany and thus of importance since members of the Stahlhelm in various areas were transferred into the SA by various ways and means.

The first affidavit is probably one of the most important ones because it concerns itself with about 100,000 Stahlhelm men who were transferred in the Rhineland. This affidavit was made by a former Gaufuehrer of the Stahlhelm by the name of Carl Simon. I stated the following in the short summary of Affidavit No. 1.

COMMISSIONER TAYLOR: Just a moment, Doctor. If you are now ready to submit the affidavits individually, then if you will refer to SA Stahlhelm Affidavit No. 1, then the Commission can receive it as Affidavit No. 1 and we will go right through your affidavits.

DR. KLAFISCH: I would like to request that SA Stahlhelm Affidavit No. 1 be translated in its entirety. It is rather long but it gives a very exact description of the transfer of the men of the Stahlhelm.

COMMISSIONER TAYLOR: Will Counsel read into the record the summary of Affidavit No. 1.

BY DR. KLAFISCH:

SA Stahlhelm Affidavit No. 1, by Carl Simon, former Gaufuehrer of the Stahlhelm.

Contents: Goals of the Stahlhelm, a Front Veterans' Organization, against any kind of aggressive war. Removal of the Versailles Treaty in a legal way because of understanding with Front Veterans of all countries, British Legion and Veterans' Meeting in Budapest.

Relation to the Party very strained. Stahlhelm contained members of all parties and becomes the carrier of the entire opposition against the demands of the NSDAP. Since April 1933 fight terror. Party against Stahlhelm. Arrests,

H1036-0004

dissolving, confiscation. Stahlhelm does not understand Seldte's position under Hitler. The removal of Duesterberg brings about a general protest. Stahlhelm is ready to overthrow the Nazis. Seldte is incompetent. Transfer in August and September 1933 of the Armed Stahlhelm Group to the SA while keeping their own uniforms. Promises concerning this that were given by the SA were broken. Stahlhelmers who refused to appear for SA service were brought to service by police and riot squads and at times were dismissed from their positions.

At the time of the transfer of the Stahlhelm as an organization in 1934, the transfer, which up to then had been voluntary, is changed into an order by State Leader Niederrhein. There is no single transfer but a transfer as a whole. Stahlhelmers who opposed the transfer and who attempted to leave the SA being punished. The transferred Stahlhelm men stayed in constant relation with their former comrades and continued to make further opposition. They are considered as politically unreliable and are being watched by the Gestapo.

At the time SA Reserve I was dissolved, the old Stahlhelm men were transferred to the reserve troops of the SA. To leave one of the SA organizations was not possible. When it was attempted it brought about police supervision, removal from positions, closing of stores, and at times even arrests.

May I point out that Simon, who gave this affidavit, did not belong to the Party or one of its organizations. He was arrested several times since he attempted to prevent the transfer of the Stahlhelm into the SA.

COMMISSIONER TAYLOR: Are there any objections on the part of the Prosecution as to Affidavit No. 1?

MR. BARRINGTON: No objection at all, Sir.

DR. KLAFISCH: This affidavit was sworn before an Allied Officer in Cologne.

H1036 - 0005

COMMISSIONER TAYLOR: Let the affidavit submitted be marked SA Stahlhelm No. 1 and let it be further noted that the defense has requested that same be translated in its entirety.

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BY DR. KLAFISCH:

The next affidavit, SA Stahlhelm No. 2, is made by engineer Dr. Richard Wenzl of Freiburg. He was a former leader of the Stahlhelm in Baden and Wuerttenberg. He also was not a member of the Party or one of its organization and he was arrested since he opposed the transfer of the Stahlhelm into the SA. This affidavit was sworn here before Commander Schroeder on the 18th of July 1946. It concerns itself with another area than the first one, that is, with Baden and Wuerttenberg. The contents are very short and I would like to request that also this affidavit be translated in its entirety. I will request that a total of five affidavits be translated in their entirety.

Contents: Relations of the Stahlhelm to the NSDAP was already strained before 1933 with the Stahlhelm in opposition. The SA took members which were turned down by the Stahlhelm. The Wehrstahlhelm was transferred into the SA through a series of broken promises.

Here I would like to state that the armed or Wehrstahlhelm contained all members of the Stahlhelm under 35 years of age. The so-called Karenstahlhelm contained all members between 35 and 45 years of age. ~~The Wehrstahlhelm~~

The Wehrstahlhelm was transferred by order into the SA Reserve No. 1. The opposition against this transfer in the Stahlhelm was very great. Pressure through the SA, terror, police supervision, members being taken to SA service by police groups, and arrests. Cooperation of the Stahlhelmers remains anyhow. Even though they were transferred into the SA they remained as members of the

H1036-0006

Stahlhelm. The SA attempted to make this impossible but it was due to the work of Dr. Wenzl that it was finally achieved that SA members could remain members of the Stahlhelm.

COMMISSIONER TAYLOR: Any objection on the part of the prosecution?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit be marked SA Stahlhelm No. 2 and let it be noted that the defense has requested a full translation.

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BY DR. KLAFISCH:

The next Affidavit, SA Stahlhelm No. 3, is by Dr. Kurt Loske of Köln. Dr. Loske was a member of the Stahlhelm and in 1933 was a Kreisleiter of the Scharnhorst. I would like to remark here that the Scharnhorst Youth contained all those members under 14 years of age. From 1934 to 1935 he was law adviser with the Main office of the Stahlhelm in Berlin and from 1935 to 1937 he was law adviser at the liquidation staff of the Stahlhelm. The Stahlhelm was dissolved in 1935. I believe that this document is especially important since Dr. Loske has ~~xxxxxx~~ statistical information concerning the results if a person left the SA. Therefore I would like to request that this affidavit too be translated in its entirety. This also was sworn before Commander Schroeder, also on the 18th of July 1946.

Contents: Stahlhelm was the center of all opposition. The transfer was done through order and by handing over of the lists without asking the individual.

Leaving the SA was possible only in exceptional cases. The request to leave the SA by a Stahlhelm man was regarded as an acknowledgment to the opposition and the reaction and was answered with an exclusion. The results of such exclusion were listing in the SA punishment list, the informing of the Police and the Gestapo, person was declared to be politically unreliable, loss of position, occupation, or

H1036 - 0007

place of business. Because the results were not known the majority of comrades did not request to leave, due to that pressure.

COMMISSIONER TAYLOR: Is there any objection on the part of the prosecution?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit submitted be marked SA Stahlhelm Affidavit No. 3 and noted that the defense have requested that same be translated in entirety.

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BY DR. KLAFISCH:

Next is Affidavit SA Stahlhelm No. 4, by Georg Duesterberg. This affidavit was sworn before an Allied Officer on the 27th of June 1946. Duesterberg is the only son of the second leader of the Stahlhelm and he is oriented very well concerning the conditions of the Stahlhelm. His father Duesterberg could not be questioned due to a very severe illness. I also request that this Affidavit No. 4 be translated in its entirety. And now a short summary:

Georg Duesterberg, the only son of a former section leader Theodor Duesterberg, was protected against the NSDAP by Admiral Canaris.

The Stahlhelm a democratic organization standing above the parties. Organization of old front soldiers of the first world war without any party connections and moderate.

Selected leaders struggle against the NSDAP. The leader of this opposition was the father Duesterberg who had the largest group of followers in the Stahlhelm. In 1933 Duesterberg opposed his supposition under Hitler by increasing the opposition against Hitler.

Breaking of the Stahlhelm constitution by Seldte. Removal of Duesterberg.

H1036-0008

In spite of all that the opposition continued, which was fought against by Seldte.

Transfer into the SA by terror and pressure. Stahlhelmers followed the order unwillingly; however, believed the promises of Seldte, who assured them the organization would remain and that the old formations would continue. After their transfer the Stahlhelm men were considered anyhow as the carriers of the secret opposition and treated accordingly. Constant observation or supervision by the SD and Gestapo.

Out of the circles of former Stahlhelm men the opposition continued until the end of the war. Close cooperation with the men of the 20th of July on which leading former Stahlhelm members participated.

COMMISSIONER TAYLOR: Any objection to this affidavit?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit submitted be marked SA Stahlhelm No. 4 for identification and also note request by the defense that the affidavit be translated in full.

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H1036 - 0009

DR. KLAFISCH: There is no final decision made as to the translation?

COMMISSIONER TAYLOR: Yes. Your request as submitted is received by the Commission and granted, but whether or not the translation section will be able to translate all of the affidavits submitted before the Commission is a question that I cannot answer at this time. But the affidavit will be translated if it is possible.

DR. KLAFISCH: I only have five requests.

COMMISSIONER TAYLOR: If the affidavit cannot be translated, then the transcript shows the summary of the affidavit, or the contents of the affidavit, which will go before the Tribunal in English, and they will be able to read ~~the translation~~ it. The others would have the benefit of the contents of the affidavit by reason of ~~stating and~~ dictating the contents of the affidavit into the record here.

DR. KLAFISCH: Next is SA Stahlhelm No. 5 by Hans Schmidt, sworn before an Allied officer on the 4th of July, 1946. It concerns itself with the area of Aachen. Now follow the contents:

The Stahlhelm was the meeting point of the entire opposition against the NSDAP. Transfer of the Wehrstahlhelm in the SA carried out through an order during a Stahlhelm meeting where the swearing into the SA was done immediately. Transfer of the Kernstahlhelm into the SA-Reserve No. 1 was by command. The promise that the Stahlhelm in the SA-Reserve was supposed to remain an independent formation, could keep their own uniforms and leaders, was never carried out. The members of the Stahlhelm were divided into the active and reserve Sturms of the SA. Since 1935, students were

H1036 - 0010

forced to enter the SA or another organization, otherwise it was not possible to continue their studies. Stahlhelm men were considered politically unreliable after the transfer. Leaving the organization was impossible because of the serious consequences. Since 1937 all members of the SA were forcefully transferred into the Party. The refusal to enter led to transfers and dismissals.

COMMISSIONER TAYLOR: Any objection to the affidavit?

MR. BARRINGTON: Do I understand that this one is to be translated in full?

DR. KLAFISCH: No.

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit submitted by marked SA Stahlhelm No. 5 for identification.

DR. KLAFISCH: The next is number 6. I just want to say that I wrote these people that they have to be sworn. However, they were not all treated the same way everywhere. This is just a certification of the signature of the person that put in the affidavit.

COMMISSIONER TAYLOR: For the purpose of submission of the affidavit the same will be accepted by the Commission.

DR. KLAFISCH: This affidavit of Post Office employee Jacob Fuchs of Nuremberg is very short, and only the last paragraph is of absolute importance.

MR. BARRINGTON: May I suggest that if it is the last paragraph that is of importance alone, it would be better to read that into the record?

H1036-0011

DR. KLAFISCH: The contents: The Stahlhelm was in opposition to the NSDAP. The opposition to it was the reason why hundreds of thousands entered the Stahlhelm between 1932 and 1933. The attitude of the ~~XXXXX~~ Stahlhelm men remained the same after the Stahlhelm was transferred into the SA through the traitorous acts of Seldte and after Hitler's breach of promise. In a discussion with the leader in Ansbach on the 23 June 1934, the SA Gruppenführer von Obernitz declared an armed revolution against the Reichswehr which Fuchs had reported to the OKW and the Reichswehr Command, Nuremberg, whereupon the Stahlhelm SA Reserve Standarte 19 in Nuremberg was put at the disposal of the Reichswehr for any control measures. It was dissolved on the first of June, 1935, for being reactionary.

COMMISSIONER TAYLOR: Any objection to the affidavit?

MR. BARRINGTON: Well, I didn't hear at the time whether that date 1946 was corrected.

THE INTERPRETER: There was no 1946. The dates were 1932, 1933, and 23 June 1934.

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit submitted be marked SA Stahlhelm No. 6 for identification.

DR. KLAFISCH: No. 7. The next affidavit is a short affidavit by seven persons, former Stahlhelm members, which concerns itself with the position of the Stahlhelm in Augsburg. These seven persons had this affidavit sworn before an Allied officer on the 28th day of June, 1946. I believe that this document is relevant, as it concerns itself with the condition in Augsburg, which is an especially large area. This document is in kd

H1036-0012

the English language. The contents are on Page 7.

The Stahlhelm, especially in 1933, was in opposition to the party of the SA. Received a large number of new members from all parties, because they considered the Stahlhelm as the only possible means of opposition. General expectation of an active advance, active opposition against the SA. Transfer without any request against the wish of the individuals to the SA. At the time, promise of independence of the Stahlhelm by Seldte and Hitler. Breach of these promises. Division of the Stahlhelm throughout the SA. Even within the SA the Stahlhelm remained as an opposition. They never became SA men as far as ideals were concerned. Even after the transfer they were considered unreliable and were supressed. The former Stahlhelm members continued to cooperate with each other. They did not know anything of the criminal intentions of the SA. No former Stahlhelm men participated in any excessive measures.

COMMISSIONER TAYLOR: Any objection to the affidavit on the part of the Prosecution?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit as submitted be marked SA Stahlhelm No. 7 for identification.

I understand No. 8 has been withdrawn by defense counsel.

DR. KLAFISCH: I took out No. 8. The next is affidavit No. 9, SA Stahlhelm No. 9. Sworn affidavit by Dr. Karl Mayer of Nuremberg, given before a Notary Public in Weissenburg in Bavaria on the 9th of May,1946. I consider this affidavit to be extremely important, and therefore I request

H1036 - 0013

that it be translated in its entirety also. It will be the last affidavit that I request.

Dr. Mayer led a Standarte a short while after the transfer. It was later dissolved. The Standarte was supposed to march against the SA at the time of the Röhm Putsch. In addition to that, I refer to the contents.

Contents: A moderate, lawful organization in opposition to the radical fighting organizations. Another goal was the lifting of the Versailles Treaty in a legal way. Opposition against aggressive war. Religious idealism. Fight against any party leadership.

No. 2, relation to the party. Since 1933 remained as the only unit which was in sharp opposition to the party. Treason by Seldte through entering into the party. Subordination under the highest SA leadership. Transfer of the young Stahlhelm according to an order. Renaming of the Kernstahlhelm into SA Reserve No. 1. Cooperative transfer into the SA Reserve No. 1 while keeping their own formation. Dissolving and division of these formations within the SA, which was a breach of promise. Intention of the Stahlhelm men, including those that were transferred into the SA Reserve to march with the Reichswehr against the SA. Former Stahlhelm men were considered politically unreliable.

COMMISSIONER TAYLOR: Any objection to the affidavit?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit submitted be marked SA Stahlhelm No. 9 for identification. The request for translation of the affidavit has been made by the defense counsel.

H1036 - 0014

DR. KLAFISCH: I have stated that Dr. Mayer led Standarte No. 19, and as to the contents of the affidavit that is not quite correct. Dr. Mayer at that time took over those units of the Kernstahlhelm which formed various formations in the SA Reserve No. 1. The Standarte Reserve 19 was at that time formed through members of the old Stahlhelm. This Standarte, however, was then supposed to march against the SA. Mayer then left the Stahlhelm in 1934 as politically not reliable because of his opposition against the NSDAP and because he had Jewish ancestors.

Now, No. 10 is a very short statement by Emil Hoppmann from Hoya in northern Germany. It was certified by a Notary Public on 30 April 1946. This thing is only relevant due to the area which is concerned in it.

Now the contents: Stahlhelm in opposition against the NSDAP and the SA. Transfer against the wish and want of the members. After the transfer, continuous cooperation among the former members and strong mistrust of the SA towards the former Stahlhelm men. No participation in the acts of terror of the SA against other thinking people.

COMMISSIONER TAYLOR: No objection to the affidavit?

MR. BARRINGTON: No.

COMMISSIONER TAYLOR: Let the affidavit as submitted be marked SA Stahlhelm No. 10 for identification.

DR. KLAFISCH: The following affidavits, on the whole, are about the same, only in a very few affidavits there are some special points. They were only listed, or only given, because they concern themselves with different areas within Germany, and I consider them important therefore,

H1036 - 0015

since it is important that evidence is given for all Germany, or at least for the major part of Germany.

No. 11 concerns itself with Holstein. It is a sworn affidavit by three persons: Merchant Wilhelm Berner, tax man Barth, and a dentist, Dr. Kaeselau. Certified before a German Notary Public on the 8th of May,

The listing of contents is short. The Stahlhelm was in opposition against the NSDAP since 1933 the meeting point of the entire opposition, especially of the old front soldiers and also political opinions since this was the only remaining possibility of opposition. Because of that, increased friction by the party against the Stahlhelm. Arrests, dissolutions, confiscations. Stahlhelm men expected a stroke of the leadership xkx against the party and intended to go along. Membership and transfer into the SA without the knowledge and questioning of the individual according to an order by the leadership. Even though they were transferred, they remained a separate group within the SA. Greatest mistrust of the SA against former Stahlhelm men. No participation in any demonstrations of the SA.

COMMISSIONER TAYLOR: Any objection to affidavit No. 11?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: That affidavit as submitted will be marked SA Stahlhelm No. 11 for identification. Dr. Klafisch, is it correct that beginning with your No. 12 to No. 44 inclusive, the affidavits contain practically the same statements of evidence? If so, the Commission will accept the same without the individual introduction of the affidavits.

H1036 - 0016

DR. KLAFISCH: A large number ~~xx~~ were taken out. The affidavits which go to No. 44 actually are not numbered successively to 44. Only 19 remain.

COMMISSIONER TAYLOR: Very well.

DR. KLAFISCH: I believe that it is necessary since it is a very large organization, and there are a few special matters in some of them.

COMMISSIONER TAYLOR: Very well. Proceed, Doctor.

DR. KLAFISCH: I don't know how it was handled with the others.

COMMISSIONER TAYLOR: Proceed like you have been ~~going~~, ~~then,~~ Doctor, and it will not be necessary for you to state that the affidavit was sworn before a Notary Public or an Allied officer, as the Commission will observe them individually as you present them.

DR. KLAFISCH: No. 12, sworn affidavit by Brandl concerning Stahlhelm transfers in Ingolstadt.

Short contents: Stahlhelm in opposition, especially after 1933, to party SA. The pressure of the party against this pool of the reaction. The mass of the Stahlhelm expects an open action in 1933 against the NSDAP. Transfer without question. Even after they were transferred continued ~~xxx~~ cooperation among the Stahlhelm members. They never became SA men as far as ideals were concerned. Greatest mistrust of the SA party against former Stahlhelm members. Transfer to the SA Reserve No. 1 was also carried out as a closed unit. Division of the Stahlhelmsturme within the SA resulted from the mistrust against the political reliability of the transferred Stahlhelm Sturms. The cooperation among the transferred Stahlhelm members continued. The opposition attitude continued. No case is

H1036-0017

known in which former Stahlhelmmembers cooperated with the SA in actions against other thinking people. The witness became a member of the resistance movement in 1942.

COMMISSIONER TAYLOR: Has the Prosecution any objection?

MR. BARRINGTON: I can't see, myself, that that particular summary had anything additional in it from the others.

DR. KLAFISCH: It concerns itself with a larger area, Ingolstadt.

MR. BARRINGTON: That I appreciate, sir, but I should have thought that unless it is very important to Dr. Klafisch it would have been better to follow your suggestion and have Dr. Klafisch first state particularly in regard to any of the following affidavits if it adds anything new -- that they should nevertheless be admitted on the ground that they do cover other areas -- it seems to me that it is merely repetitious.

COMMISSIONER TAYLOR: The affidavits are generally cumulative evidence as to that which has been heretofore placed before the Commission by witnesses. The Commission had granted to the defense counsel the privilege of submitting a limited number of affidavits from various people around over the country who were members of the organization. It is true, they are cumulative, but they cover different parts and from different sections of the membership, and for that reason counsel for the Prosecution will note that it is cumulative evidence. The majority will be cumulative. Does that clarify the matter in counsel's mind?

MR. BARRINGTON: Yes, I had appreciated that, sir, that they

H1036-0018

were cumulative and were admitted by the permission of the Commissioner, and that they were to cover different parts of Germany. My suggestion was simply this, that it is, I think, rather a waste of time to read the summaries if in every case they are the same as the preceding summaries, and I thought it might save time if Dr. Klafisch were able to say, "This summary is the same as before, with the exception of such and such a point."

DR. KLAFISCH: All right, I understand.

COMMISSIONER TAYLOR: Let the affidavit submitted be marked SA Stahlhelm No. 12 for identification.

DR. KLAFISCH: Affidavit No. 13 given by Dr. Domsta refers to Stahlhelm transfers in Mainz. This testimony shows particularly clearly and typically the manner in which the transfers were carried out. Therefore I should like in this case to have the entire contents put on the record.

COMMISSIONER TAYLOR: Is there any objection on the part of the Prosecution to having the affidavit translated?

MR. BARRINGTON: Oh, Dr. Klafisch is not referring to translating the whole affidavit. He simply wants the summary. No objection.

COMMISSIONER TAYLOR: Then the understanding is, it is not the affidavit but the summary of the affidavit you desire to have on the record.

DR. KLAFISCH: The contents.

COMMISSIONER TAYLOR: Very well.

DR. KLAFISCH: The contents of the affidavit: The Stahlhelm was the collecting basin of the opposition. Transfer took place against

H1036-0019

the will of the people. On the occasion of one Stahlhelm service meeting the following declaration was given: The Stahlhelm no longer existed and had been taken over by the SA. On the occasion of this meeting, the members were registered as SA people and were distributed to the different SA formations. Whoever did not obey was punished by police arrest. The connection of the former members of the Stahlhelm continued to exist as an opposition within the SA. Whose who had been transferred were considered polictically suspicious and were continually suspected.

COMMISSIONER TAYLOR: Is there any objection to affidavit No. 13 by the Prosecution?

MR. BARRINGTON: No, I haven't any objection to that. I should like to say in general that the Prosecution will naturally read through the full text of the affidavits later, and should it be not entirely in agreement with the summary, we might have to make an objection later, but I don't anticipate that.

COMMISSIONER TAYLOR: Let the affidavit submitted be marked SA Stahlhelm No. 13 for identification.

DR. KLAFISCH: Numbers 14 and 15 refer to the transfer of the Stahlhelm in Düsseldorf and Rotenburg. Do the names have to be mentioned?

COMMISSIONER TAYLOR: It would be best to read them into the record for identification.

DR. KLAFISCH: 14 is the affidavit of Hans Karl Hannappel in Düsseldorf, and No. 15 of Wilhelm Gewichs in Rotenburg, Hannover. The same applies to the contents of these documents as is true of the previous affidavits.

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit of Hans Karl Hannappel be marked SA Stahlhelm No. 14 for identification.

H1036 - 0020

H1036 - 0021

COMMISSIONER TAYLOR: The affidavit of Wilhelm Gewiess is marked SA Stahlhelm No. 15 for identification.

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DR KLEFISCH: Affidavit No. 16 submitted by Administrative Inspector Benno Fork, of Duisburg, refers to the transfer according to lists of SA Reserves within the Stahlhelm without questioning and against the will of the Stahlhelm in this work.

Similar or the same conditions are present here, as in the other affidavits.

Of special importance in this affidavit is the fact that a certain president of a Senate, Dr. Royce, was not able to leave the SA. Because if he had left it probably would have meant his losing his official position.

COMMISSIONER TAYLOR: Any objection to this affidavit?

DR KLEFISCH: May I add the following: I should like to call your attention to the fact that this affidavit was sworn to before a Notary Public on 3 July 1946, that I believe is in reality too late. But at the beginning of his deposition Benno Fork says that in his district no allied officer had been prepared to take down his affidavit.

COMMISSIONER TAYLOR: The affidavit is in the form of acknowledgment -- it will be accepted now.

H1036 - 0022

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Let the affidavit submitted by marked for identification, SA Stahlhelm No. 16.

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DR KLEFISCH: Affidavit No. 17 refers to the Gau Hessen-Nassau and the Kurpfalz. The affidavit was made by Wilhelm Goertz, teacher.

COMMISSIONER: Any objections to Affidavit No. 17?

MR BARRINGTON: I don't understand whether it was said to be similar to the one from before.

DR KLEFISCH: It is desired to take a number of affidavits and then have them on the record as one affidavit, as a summary.

COMMISSIONER: In other words, you want to summarize a number of affidavits in one summary, and refer to them as affidavits numbers so and so, ~~and so and so~~....

DR KLEFISCH: Yes.

COMMISSIONER: Proceed, then, doctor.

DR KLEFISCH: The contents of No. 17 are similar to those of the previous ones in essential respects.

COMMISSIONER: Let us mark the affidavit of Goertz as SA Stahlhelm No. 17 for identification.

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DR KLEFISCH: No. 18 is an affidavit of Dr. Bernd Davids. This affidavit refers to the

71

H1036 - 0023

Stahlhelm and University Group in Muenster.

COMMISSIONER: We spent practically two hours now and we have only 17 affidavits. Can you give this in a more concise and brief manner so we can be through by one o'clock, please?

DR KLEFISCH: I will be finished in half an hour.

The peculiarity of this document is that the University Group was transferred without having any chance to voice their opinion upon the occasion of assembly.

COMMISSIONER: Any objections to the affidavit submitted?

Then let the affidavit be marked SA Stahlhelm No. 18 for identification.

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DR KLEFISCH: Number 19 is an affidavit given by Professor Doctor Georg Eisser, University of Tuebingen. In general, this affidavit confirms the contents of the other affidavits.

Of importance in this document is the fact that very often members of the Tahlhelm had been transferred, had been given higher ranks within the SA corresponding with the ranks of higher offices, more and

H1036 - 0024

more. But that, on the other hand, there was no corresponding duty or service to be given by these men according to the rank which they had been given by the SA. Because the higher SA services and duties had to be performed almost exclusively by older SA men.

COMMISSIONER: Any objections?

MR. BARRINGTON: There appears to be something about the newspaper of the SA Mann.

DR KLEFISCH: Yes, sir.

MR. BARRINGTON: I should like to know what the point of reference to that is.

DR. KLEFISCH: Just a moment please.... The witness says that the newspaper, the SA Mann, was read by only very very few of the men. Towards the end of the affidavit witness says that he considered the military training received as nil in his capacity as a former officer of the Reserves.

MR BARRINGTON: I don't know what paragraph of the SA Mann is in the affidavit. I think it is the last one.

COMMISSIONER: Which paragraph do you want the interpreter to read?

MR BARRINGTON: I think it is the last paragraph, as far as I can see.

COMMISSIONER: The one that has reference to the newspaper? It is at the bottom of page two.

MR BARRINGTON: Yes.

23

H1036 - 0025

COMMISSIONER: Interpreter, translate that paragraph.

(Translation): The lack of political interest was clearly shown by the propaganda made by the leadership for the purchase of the paper, the SA Mann. Our Storm, the lowest subscription was scarcely reached. Only very very few of them, and these had more or less decided voluntarily to subscribe to the SA Mann, probably read the paper at all. The comrades of Our Storm at any rate were not taken by the spirit, or rather the lack of spirit of this paper.

MR BARRINGTON: I have no objection.

COMMISSIONER: Let the affidavit submitted by marked SA Stahlhelm No. 19 for identification.

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DR KLEFISCH: We now turn to Affidavit No. 30.

COMMISSIONER: At this time let the record show that Affidavits SA Stahlhelm numbered 20 through 29, inclusive, have been withdrawn from the file by defense counsel.

DR. KLEFISCH: Affidavit No. 30 was given by Walter Allissat, of Essen, and refers to the transfer of the Stahlhelm in Essen. And in general repeats the contents of the other affidavits.

COMMISSIONER: No objection to that affidavit?

MR BARRINGTON: No objection.

H1036 – 0026

COMMISSIONER: Let the affidavit be marked SA Stahlhelm No. 30 for identification.

* * * * *

DR. KLEFISCH: Number 33 is an affidavit given by Rudolf Wanner of Utting a/Ammersee. That the SA Reserves were dissolved in this district in 1935, as mentioned by this witness, is of special importance; while in the other districts they existed until the very end, as mentioned by counsel.

COMMISSIONER: Any objection to that? Let it then as presented be marked SA Stahlhelm No. 33 for identification.

* * * * *

DR. KLEFISCH: Number 34, given by Dr. Carl Schleussner, refers to the Stahlhelm transfers in Frankfurt. The affidavit was given before the Assistant Counsel John Klefisch on 1 June 1946.

COMMISSIONER: The affidavit is accepted as to the form of acknowledgment.

DR. KLEFISCH: The contents are the same as the affidavits which refer to the other districts.

COMMISSIONER: Any objection? Let the affidavit presented be marked SA Stahlhelm No. 34 for identification.

* * * * *

DR. KLEFISCH: Affidavit No. 37 given by Rainer Pittinger, Augsburg, refers to the Stahlhelm in Muenchen

H1036 - 0027

and Augsburg.

COMMISSIONER: Any objections? Let the affidavit presented be marked SA Stahlhelm No. 37 for identification.

DR. KIEFISCH: The contents agree essentially with the contents of the previous affidavits.

COMMISSIONER: You stated that before -- that is the reason I let the affidavit be marked as received.

* * * * *

DR KIEFISCH: The same applies to Affidavit No. 38. Given by Hans Otto Bolln.

COMMISSIONER: Any objection to that affidavit? The affidavit as submitted will be marked SA Stahlhelm No.38 for identification.

* ** * *

DR. KIEFISCH: Number 39 is an affidavit by Dr. Ehrich Arauner of Kitzingen. This affidavit is of special significance because witness says that without his doing anything he was given an SA identification card in 1934. That is, the remark by counsel is proof, or sort of proof of compulsory transfer. Because this man was financially relatively independent he refused to be transferred like the others who because of certain financial insecurity and fear did not oppose their transfers. This witness also added several documents to his affidavit, which are of importance for this

H1036 - 0028

transfer, in my opinion.

COMMISSIONER: Any objections?

MR. BARRINGTON: I don't think he gives any indication of what the attached document is.

COMMISSIONER: I believe he states a copy of his membership card was given, as Exhibit.

MR. BARRINGTON: I see that, but there is a letter also, signed by a Kreisleiter.

DR. KLEFISCH: I have also added the statement that was sent to the witness on the occasion of his transfer. This statement certifies his entry into the SA, retroactively.

MR. BARRINGTON: It seems to me that this was one of those cases the Tribunal held not to be relevant.

DR. KLEFISCH: It does not refer to an individual, but he speaks of his entire Storm.

MR. BARRINGTON: In that case I will take it as to what Dr. Klefisch said.

COMMISSIONER: Let the affidavit submitted be marked SA Stahlhelm No. 39 for identification.

* * * * *

DR. KLEFISCH: No. 40 is an affidavit submitted by Karl Wehr, Weingutsbesitzer, Bernkastel, concerning transfers of Stahlhelm in the Moselle district, and is, on the whole, identical with the other affidavits.

H1036 - 0029

COMMISSIONER: Let the affidavit submitted be marked SA Stahlhelm No. 40 for identification.

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DR. KLEFISCH: Affidavit No. 41 given by Wilhelm Biehlmaier, Ingolstadt, refers to Stell Helmet in Ingolstadt. The contents are identical with the previous affidavits.

MR. BARRINGTON: We had one on that before.

DR. KLEFISCH: That may be true.

MR. BARRINGTON: I won't take objection to that, however.

COMMISSIONER: Let the affidavit as submitted be marked SA Stahlhelm No. 41 for identification.

DR. KLEFISCH: In this Ingolstadt document there are some points mentioned not mentioned in the previous Ingolstadt affidavit.

* * * * *

DR. KLEFISCH: No. 42, an affidavit by Julius Heil, Augsburg, refers to the Stahlhelm in Passau and also is identical with the previous affidavits.

COMMISSIONER: Let the affidavit be marked SA Stahlhelm No. 42 for identification.

* * * * *

DR. KLEFISCH: No. 43 is an affidavit by Mergens, a teacher of Monschau, that is/ near the Belgian

H1036 - 0030

border. The fact as mentioned in this affidavit, that applications for being allowed to leave the SA were not granted on principle before the application was 15 years of age.

MR. BARRINGTON: No objection.

COMMISSIONER: Let the affidavit be marked SA Stahlhelm No. 43 for identification.

* * * * *

DR. KLEFISCH: And now, the last one, No. 44. This affidavit was compkled by a large number of persons from all spheres of professional life. And this affidavit was certified by several Notaries Public, different places, at various times. Will it be necessary for me to read the names of the various persons who have given this affidavit? There are 37 in all, I believe.

COMMISSIONER: Unless there is objection to it, the Commission does not object.

MR. BARRINGTON: For identification I think we should give the first name.

DR. KLEFISCH: The first name is Dr. Otto Kolping.

COMMISSIONER: Let the affidavit of Dr. Otto Kolping and others be marked SA Stahlhelm No. 44 for identification.

* * * * *

H1036 - 0031

COMMISSIONER: Is that all the affidavits, doctor?

DR. KIEFISCH: Yes.

COMMISSIONER: The Commission will then adjourn until Monday at 10:00 a.m., at which time the SD will present their affidavits.

H1036 - 0032

The foregoing is a true and correct transcript of submission of Affidavits by DR. KLADISCH, taken on 20 July 1946.

Mabel A. Lesser
Reporter (pp 1 - 7

Gertrude Feldt
Reporter (pp 8 - 19

Geo Riola Brown
Reporter (pp 20 - 30

CERTIFIED TO :

Geo R Taylor
Commissioner

H1036-0033

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

SUBMISSION OF AFFIDAVITS BY THE DEFENSE PURSUANT TO THE ORDER OF THE TRIBUNAL DATED 5 JULY 1946.

20 July 1946.

COMMISSIONER:

Mr. George R. Taylor.

THE SA - STAHLHELM

(THE COMMISSION CONVENED AT 1000 HOURS.)

BY THE COMMISSIONER:

You may proceed, Dr. Klefisch, with the presentation of your affidavits on behalf of the SA-Stahlhelm.

DR. KLEFISCH: I have a total of 29 affidavits. I took out about 20 yesterday. These affidavits concern themselves with the Stahlhelm SA, which had about one million members. First of all in this affidavit book I made a list of the contents of each affidavit and then I started out with a list in the order of evidence. In addition to that I made some explanations. In the explanation I stated that the red numbers on the affidavits are the same as the numbers on the list of contents. Before every affidavit there is a short summary. All affidavits are presented on various points of view as to their importance of evidence. If a certain affidavit is considered not relevant, therefore, it can only be stricken from the record if it can be shown that it does not touch any other points of the evidence. There are various affidavits present that on the whole say about the same thing. I do not consider them cumulative however since they concern themselves with various different areas within Germany and thus of importance since members of the Stahlhelm in various areas were transferred into the SA by various ways and means.

The first affidavit is probably one of the most important ones because it concerns itself with about 100,000 Stahlhelm men who were transferred in the Rhineland. This affidavit was made by a former Gaufuehrer of the Stahlhelm by the name of Carl Simon. I stated the following in the short summary of Affidavit No. 1.

H1036 - 0034

COMMISSIONER TAYLOR: Just a moment, Doctor. If you are now ready to submit the affidavits individually, then if you will refer to SA Stahlhelm Affidavit No. 1, then the Commission can receive it as Affidavit No. 1. and we will go right through your affidavits.

DR. KLEFISCH: I would like to request that SA Stahlhelm Affidavit No. 1 be translated in its entirety. It is rather long but it gives a very exact description of the transfer of the men of theStahlhelm.

COMMISSIONER TAYLOR: Will Counsel read into the record the summary of Affidavit No. 1.

BY DR. KLAFISCH:

SA Stahlhelm Affidavit No. 1, by Carl Simon, former Gaufuehrer of the Stahlhelm.

Contents: Goals of the Stahlhelm, a Front Veterans' Organization, against any kind of aggressive war. Removal of the Versailles Treaty in a legal way because of understanding with Front Veterans of all countries, British Legion and Veterans' Meeting in Budapest.

Relation to the Party very strained. Stahlhelm contained members of all parties and becomes the carrier of the entire opposition against the demands of the NSDAP. Since April 1933 fight terror. Party against Stahlhelm. Arrests, dissolving, confiscation. Stahlhelm does not understand Seldte's position under Hitler. The removal of Duesterberg brings about a general protest. Stahlhelm is ready to overthrow the Nazis. Seldte is incompetent. Transfer in August and September 1933 of the Armed Stahlhelm Group to the SA while keeping their own uniforms. Promises concerning this that were given by the SA were broken. Stahlhelmers who refused to appear for SA service were brought to service by police and riot squads and at times were dismissed from their positions.

At the time of the transfer of the Stahlhelm as an organization in 1934, the transfer, which up to then had been voluntary, is changed into an order by State Leader Niederrhein. There is no single transfer but a transfer as a whole. Stahlhelmers who opposed the transfer and who attempted to leave the SA being punished. The transferred Stahlhelm men stayed in constant relation with their former comrades and continued to make further opposition. They are

H1036 - 0035

considered as politically unreliable and are being watched by the Gestapo.

At the time SA Reserve I was dissolved, the old Stahlhelm men were transferred to the reserve troops of the SA. To leave one of the SA organizations was not possible. When it was attempted it brought about police supervision, removal from positions, closing of stores, and at times even arrests.

May I point out that Simon, who gave this affidavit, did not belong to the Party or one of its organizations. He was arrested several times since he attempted to prevent the transfer of the Stahlhelm into the SA.

COMMISSIONER TAYLOR: Are there any objections on the part of the Prosecution as to Affidavit No. 1?

MR. BARRINGTON: No objection at all, Sir.

DR. KLEFISCH: This affidavit was sworn before an Allied Officer in Cologne.

COMMISSIONER TAYLOR: Let the affidavit submitted be marked SA Stahlhelm No. 1 and let it be further noted that the defense has requested that same be translated in its entirety.

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BY DR. KLEFISCH:

The next affidavit, SA Stahlhelm No. 2, is made by engineer Dr. Richard Wenzl of Freiburg. He was a former leader of the Stahlhelm in Baden and Wuerttenberg. He also was not a member of the Party or one of its organization and he was arrested since he opposed the transfer of the Stahlhelm into the SA. The affidavit was sworn here before Commander Schroeder on the 18th of July 1946. It concerns itself with another area than the first one, that is, with Baden and Wuerttenberg. The contents are very short and I would like to request that also this affidavit be translated in its entirety. I will request that a total of five affidavits be translated in their entirety.

Contents: Relations of the Stahlhelm to the NSDAP was already strained before 1933 with the Stahlhelm in opposition. The SA took members which were turned down by the Stahlhelm. The Wehrstahlhelm was transferred into the SA through a series of broken promises.

H1036 - 0036

Here I would like to state t[illegible] the armed or Wehrstahlhelm contained all members of the Stahlhelm under 35 years of age. The so-called Karen-stahlhelm contained all members between 35 and 45 years of age.

The Wehrstahlhelm was transferred by order into theSA Reserve No. 1. The opposition against this transfer in the Stahlhelm was very great. Pressure through the SA, terror, police supervision, members being taken to SA service by police groups, and arrests. Cooperation of the Stahlhelmers remains anyhow. Even though they were transferred into the SA they remained as members of the

H1036 - 0037

Stahlhelm. The SA attempted to make this impossible but it was due to the work of Dr. Wenzl that it was finally achieved that SA members could remain members of the Stahlhelm.

COMMISSIONER TAYLOR: Any objection on the part of the prosecution?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit be marked SA Stahlhelm No. 2 and let it be noted that the defense has requested a full translation.

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BY DR. KLAFISCH:

The next affidavit, SA Stahlhelm No. 3, is by Dr. Kurt Loske of Koln. Dr. Loske was a member of the Stahlhelm and in 1933 was a Kreisleite of the Scharnhorst. I would like to remark here that the Scharnhorst Youth contained all those members under 14 years of age. From 1934 to 1935 he was law adviser with the Main Office of the Stahlhelm in Berlin and from 1935 to 1937 he was law adviser at the liquidation staff of the Stahlhelm. The Stahlhelm was dissolved in 1935. I believe that this document is especially important since Dr. Loske has statistical information regarding the results if a person left the SA. Therefore I would like to request that this affidavit too be translated in its entirety. This also was sworn before Commissioner Schroeder, also on the 18th of July 1946.

Contents: Stahlhelm was the center of allopposition. The transfer was done through order and by handing over of the lists without asking the individual.

Leaving the SA was possible only in exceptional cases. The request to leave the SA by a Stahlhelm man was regarded as an acknowledgment to the opposition and the reaction and was answered with an exclusion. The results of such exclusion were listing in the SA punishment list, the informing the the Police and the Gestapo, person was declared to be politically unreliable, loss of position, occupation, or place of business. Because the results were not known the majority of comrades did not request to leave, due to that pressure.

COMMISSIONER TAYLOR: Is there any objection on the part of the prosecution?

H1036 - 0038

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit submitted be marked SA Stahlhelm Affidavit No. 3, and noted tht the defense have requested that same be translated in entirety.

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BY DR. KLAFISCH:

Next is Affidavit SA Stahlhelm No. 4, by Georg Duesterberg. This affidavit was sworn before an Allied Officer on the 27th of June 1946. Duesterberg is the only son of the second leader of the Stahlhelm and he is oriented very well concerning the conditions of the Stahlhelm. His father Duesterberg could not be questioned due to a very severe illness. I also request that this Affidavit No. 4 be translated in its entirety. And now a short summary:

Georg Duesterberg, the only son of a former section leader Theodor Duesterberg, was protected against the NSDAP by Admiral Canaris.

The Stahlhelm, a democratic organization standing above the parti Organization of old front soldiers of the first world war without any party connections and moderate.

Selected leaders struggle against the NSDAP. The leader of this opposition was the father Duesterberg who had the largest group of followers in the Stahlhelm. In 1933 Duesterberg opposed his supposition under Hitler by increasing the opposition against Hitler.

Breaking of the Stahlhelm constitution by Seldte. Removal of Duesterberg. In spite of all that the opposition continued, which was fought against by Seldte.

Transfer into the SA by terror and pressure. Stahlhelmers followed the order unwillingly; however, believed the promises of Seldte, who assured them the organization would remain and that the old formations would continue After their transfer the Stahlhelm men were considered anyhow as the carriers of the secret opposition and treated accordingly. Constant observation or supervision by the SD and Gestapo.

Out of the circles of former Stahlhelm men the opposition continued untilthe end of the war. Close cooperation with the men of the 20th of July on which lading former Stahlhelm members participated.

H1036 - 0039

COMMISSIONER TAYLOR: Any objection to that affidavit?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit submitted be marked SA Stahlhelm No. 4 for identification and also note request by the defense that the affidavit be translated in full.

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DR. KLAFISCH: There is no final decision made as to the translation?

COMMISSIONER TAYLOR: Yes. Your request as submitted is received by the Commission and granted, but whether or not the translation section will be able to translate all of the affidavits submitted before the Commission is a question that I cannot answer at this time. But the affidavit will be translated if it is possible.

DR. KLAFISCH: I have only five requests.

COMMISSIONER TAYLOR: If the affidavit cannot be translated, then the transcript shows the summary of the affidavit, or thecontents of the affidavit, which will go before the Tribunal in English, and they will be the contents of the affidavit by reason of dictating the contents of the affidavit into the record here.

DR. KLAFISCH: Next is SA Stahlhelm No. 5 by Hans Schmidt, sworn before an Allied officer on the 4th of July 1946. It concerns itself with the area of Aachen. Now follow the contents:

The Stahlhelm was the meeting point of the entire opposition against the NSDAP. Transfer of the Wehrstahlhelm in the SA carried out through an order during a Stahlhelm meeting where the swearing into the SA was done immediately. Transfer of the Kernstahlhelm into the SA-Reserve No. 1 was by command. The promise that the Stahlhalm in the SA-Reserve was supposed to remain an independent formation, could keep their own uniforms and leaders, was never carried out. The members of the Stahlhelm were divided into the active and reserve Sturms of the SA. Since 1935, students were forced to enter the SA or another organization, otherwise it was not possible to continue their studies. Stahlhelm men were considered politically unreliable after the transfer. Leaving the organization

H1036 - 0040

was impossible because of the serious consequences. Since 1937 all members of the SA were forcefully transferred into the Party. The refusal to enter led to transfers and dismissals.

COMMISSIONER TAYLOR: Any objection to the affidavit?

MR. BARRINGTON: Do I understand that this one is to be translated in full?

DR. KLAFISCH: No.

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit submitted be marked SA Stahlhelm No. 5 for identification.

DR. KLAFISCH: The next is number 6. I just want to say that I wrote these people that they have been sworn. However, they were not all treated the same everywhere. This is just a certification of the signature of the person that put in the affidavit.

COMMISSIONER TAYLOR: For the purpose of submission of the affidavit the same will be accepted by the Commission.

DR. KLAFISCH: This affidavit of Post Office employee Jacob Fuchs of Nuremberg is very short, and only the last paragraph is of absolute importance.

MR. BARRINGTON: May I suggest that if it is the last paragraph that is of importance alone, it would be better to read that into the record

H1036 - 0041

DR. KLAFISCH: The contents: The Stahlhelm was in opposition to the NSDAP. The opposition to it was the reason why hundreds of thousands entered the Stahlhelm between 1932 and 1933. The attitude of the Stahlhelm men remained the same after the Stahlhelm was transferred into the SA through the traitorous acts of Seldte and after Hitler's breach of promise. In a discussion with the leader in Ansbach on the 23 June 1934, the SA Gruppenfuehrer von Obernitz declared an armed revolution against the Reichswehr which Fuchs had reported to the OKW and the Reichswehr Command, Nuremberg, whereupon the Stahlhelm SA Reserve Standarte 19 in Nuremberg was put at the disposal of the Reichswehr for any control measures. It was dissolved on the first of June, 1935, for being reactionary.

COMMISSIONER TAYLOR: Any objection to the affidavit?

MR. BARRINGTON: Well, I didn't hear at the time whether that date 1946 was corrected.

THE INTERPRETER: There was no 1946. The dates were 1932, 1933, and 23 June 1934.

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit submitted be marked SA Stahlhelm No. 6 for identification.

DR. KLAFISCH: No. 7. The next affidavit is a short affidavit by seven persons, former Stahlhelm members, which concerns itself with the position of the Stahlhelm in Augsburg. These seven persons had this affidavit sworn before an Allied officer on the 28th day of June, 1946. I believe that this document is relevant, as it concerns itself with the condition in Augsburg, which is an especially large area. This document is in the English language. The contents are on Page 7.

The Stahlhelm, especially in 1933, was in opposition to the party of the SA. Received a large number of new members from all parties, because they considered the Stahlhelm as the only possible means of opposition. General expectation of an active advance, active opposition against the SA. Transfer without any request against the wish of the individuals to the SA. At the time, promise of independence of the Stahlhelm by Seldte and Hitler. Breach of these promises. Division of the Stahlhelm throughout the SA. Even within

H1036-0042

the SA the Stahlhelm remained as an opposition. They never became SA men as far as ideals were concerned. Even after the transfer they were considered unreliable and were suppressed. The former Stahlhelm members continued to cooperate with each other. They did not know anything of the criminal intentions of the SA. No former Stahlhelm men participated in any excessive measures.

COMMISSIONER TAYLOR: Any objection to the affidavit on the part of the Prosecution?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit as submitted be marked SA Stahlhelm No. 7 for identification.

I understand No. 8 has been withdrawn by defense counsel.

DR. KLAFISCH: I took out No. 8. The next is affidavit No. 9, SA Stahlhelm No. 9. Sworn affidavit by Dr. Karl Mayer of Nuremberg, given before a Notary Public in Weissenburg in Bavaria on the 9th of May, 1946. I consider this affidavit to be extremely important, and therefore I request that it be translated in its entirety also. It will be the last affidavit that I request.

Dr. Mayer led a Standarte a short while after the transfer. It was later dissolved. The Standarte was supposed to march against the SA at the time of the Roehm Putsch. In addition to that, I refer to the contents.

Contents: A moderate, lawful organization in opposition to the radic fighting organizations. Another goal was the lifing of the Versailles Treaty in a legal way. Opposition against aggressive war. Religious idealism. Fight against any party leadership.

No. 2, relation to the party. Since 1933 remained as the only unit which was in sharp opposition to the party. Treason by Seldte through entering into the party. Subordination under the highest SA leadership. Transfer of the young Stahlhelm according to an order. Renaming of the Kernstahlhelm into SA Reserve No. 1. Cooperative transfer into the SA Reserve No. 1 while keeping their own formation. Dissolving and division of these formations within the SA, which was a breach of promise. Intention of the Stahlhelm men, including those that were transferred into the SA Reserve to march with the Reichswehr against the SA. Former Stahlhelm men were considered politically

H1036 - 0043

unreliable.

COMMISSIONER TAYLOR: Any objection to the affidavit?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit submitted be marked SA Stahlhelm No. 9 for identification. The request for translation of the affidavit has been made by the defense counsel.

DR. KLAFISCH: I have stated that Dr. Mayer led Standarte No. 19, and as to the contents of the affidavit that is not quite correct. Dr. Mayer at that time took over those units of the Kernstahlhelm which formed various formations in the SA Reserve No. 1. The Standarte Reserve 19 was at that time formed through members of the old Stahlhelm. This Standarte, however, was then supposed to march against the SA. Mayer then left the Stahlhelm in 1934 as politically not reliable because of his opposition against the NSDAP and because he had Jewish ancestors.

Now, No. 10 is a very short statement by Emil Hoppmann from Hoya in northern Germany. It was certified by a Notary Public on 30 April 1946. This thing is only relevant due to the area which is concerned in it.

Now the contents: Stahlhelm in opposition against the NSDAP and the SA. Transfer against the wish and want of the members. After the transfer, continuous cooperation among the former members and strong mistrust of the SA towards the former Stahlhelm men. No participation in the acts of terror of the SA against other thinking people.

COMMISSIONER TAYLOR: No objection to the affidavit?

MR. BARRINGTON: No.

COMMISSIONER TAYLOR: Let the affidavit as submitted be marked SA Stahlhelm No. 10 for identification.

DR. KLAFISCH: The following affidavits, on the whole, are about the same, only in a very few affidavits there are some special points. They were only listed, or only given, because they concern themselves with different areas within Germany, and I consider them important therefore, since it is important that evidence is given for all Germany, or at least for the major part of Germany.

No. 11 concerns itself with Holstein. It is a sworn affidavit by

H1036-0044

three persons: Merchant Wilhelm Berner, tax man Barth, and a dentist, Dr. Kaeselau. Certified before a German Notary Public on the 8th of May.

The listing of contents is short. The Stahlhelm was in opposition against the NSDAP since 1933 the meeting point of the entire opposition, especially of the old front soldiers and also political opinions since this was the only remaining possibility of opposition. Because of that, increased friction by the party against the Stahlhelm. Arrests, dissolutions, confiscations. Stahlhelm men expected a stroke of the leadership against the party and intended to go along. Membership and transfer into the SA without the knowledge and questioning of the individual according to an order by the leadership. Even though they were transferred, they remained a separate group within the SA. Greatest mistrust of the SA against former Stahlhelm men. No participation in any demonstrations of the SA.

COMMISSIONER TAYLOR: Any objection to affidavit No. 11?

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: That affidavit as submitted will be marked SA Stahlhelm No. 11 for identification. Dr. Klafisch, is it correct that beginning with your No. 12 to No. 44 inclusive, the affidavits contain practical the same statements of evidence? If so, the Commission will accept the same without the individual introduction of the affidavits.

DR. KLAFISCH: A large number were taken out. The affidavits which g to No. 44 actually are not numbered successively to 44. Only 19 remain.

COMMISSIONER TAYLOR: Very well.

DR. KLAFISCH: I believe that it is necessary since it is a very large organization, and there are a few special matters in some of them.

COMMISSIONER TAYLOR: Very well. Proceed, Doctor.

DR. KLAFISCH: I don't know how it was handled with the others.

COMMISSIONER TAYLOR: Proceed like you have been Doctor, and it will not be necessary for you to state that the affidavit was sworn before a Notary Public or an Allied officer, as the Commission will observe them individually as you present them.

DR. KLAFISCH: No. 12, sworn affidavit by Brandl concerning Stahlhelm transfers in Ingolstadt.

H1036-0045

Short contents: Stahlhelm in opposition, especially after 1933, to party SA. The pressure of the party against this pool of the reaction. The mass of the Stahlhelm expects an open action in 1933 against the NSDAP. Transfer without question. Even after they were transferred continued co-operation among the Stahlhelm members. They never became SA men as far as ide were concerned. Greatest mistrust of the SA party against former Stahlhelm members. Transfer to the SA Reserve No. 1 was also carried out as a closed unit. Division of the Stahlhelmsturme within the SA resulted from the mistrust against the political reliability of the transferred Stahlhelm Sturms. The cooperation among the transferred Stahlhelm members continued. The opposition attitude continued. No case is known in which former Stahlhelm members cooperated with the SA in actions against other thinking people. The witness became a member of the resistance movement in 1942.

COMMISSIONER TAYLOR: Has the Prosecution any objection?

MR. BARRINGTON: I can't see, myself, that that particular summary had anything additional in it from the others.

DR. KLAFISCH: It concerns itself with a larger area, Ingolstadt.

MR. BARRINGTON: That I appreciate, sir, but I should have thought that unless it is very important to Dr. Klafisch it would have been better to follow your suggestion and have Dr. Klafisch first state particularly in regard to any of the following affidavits if it adds anything new -- that they should nevertheless be admitted on the ground that they do cover other areas -- it seems to me that it is merely repetitious.

COMMISSIONER TAYLOR: The affidavits are generally cumulative evidence as to that which has been heretofore placed before the Commission by witnesses. The Commission had granted to the defense counsel the privilege of submitting a limited number of affidavits from various people around over the country who were members of the organization. It is true, they are cumulative, but they cover different parts and from different sections of the membership, and for that reason counsel for the Prosecution will note that it is cumulative evidence. The majority will be cumulative. Does that clarify the matter in counsel's mind?

MR. BARRINGTON: Yes, I had appreciated that, sir, that they

H1036 - 0046

were cumulative and were admitted by the permission of the Commissioner, and that they were to cover different parts of Germany. My suggestion was simply this, that it is, I think, rather a waste of time to read the summaries if in every case they are the same as the preceding summaries, and I thought it might save time if Dr. Klafisch were able to say, "This summary is the same as before, with the exception of such and such a point."

DR. KLAFISCH: All right, I understand.

COMMISSIONER TAYLOR: Let the affidavit submitted be marked SA Stahlhelm No. 12 for identification.

DR. KLAFISCH: Affidavit No. 13 given by Dr. Donsta refers to Stahlhelm transfers in Mainz. This testimony shows particularly clearly and typically the manner in which the transfers were carried out. Therefore I should like in this case to have the entire contents put on the record.

COMMISSIONER TAYLOR: Is there any objection on the part of the Prosecution to having the affidavit translated?

MR. BARRINGTON: Oh, Dr. Klafisch is not referring to translating the whole affidavit. He simply wants the summary. No objection.

COMMISSIONER TAYLOR: Then the understanding is, it is not the affidavit but the summary of the affidavit you desire to have on the record.

DR. KLAFISCH: The contents.

COMMISSIONER TAYLOR: Very well.

DR. KLAFISCH: The contents of the affidavit: The Stahlhelm was the collecting basin of the opposition. Transfer took place against the will of the people. On the occasion of one Stahlhelm service meeting the following declaration was given: The Stahlhelm no longer existed and had been taken over by the SA. On the occasion of this meeting, the members were registered as SA people and were distributed to the different SA formations. Whoever did not obey was punished by police arrest. The connectio. of the former members of the Stahlhelm continued to exist as

H1036 - 0047

an opposition within the SA. Those who had been transferred were considered politically suspicious and were continually suspected.

COMMISSIONER TAYLOR: Is there any objection to affidavit No. 13 by the Prosecution?

MR. BARRINGTON: No, I haven't any objection to that. I should like to say in general that the Prosecution will naturally read through the full text of the affidavits later, and should it be not entirely in agreement with the summary, we might have to make an objection later, but I don't anticipate that.

COMMISSIONER TAYLOR: Let the affidavit submitted be marked SA Stahlhelm No. 13 for identification.

DR. KLAFISCH: Numbers 14 and 15 refer to the transfer of the Stahlhelm in Dusseldorf and Rotenburg. Do the names have to be mentioned?

COMMISSIONER TAYLOR: It would be best to read them into the record for identification.

DR. KLAFISCH: 14 is the affidavit of Hans Karl Hannappel in Dusseldorf, and No. 15 of Wilhelm Gewichs in Rotenburg, Hannover. The same applies to the contents of these documents as is true of the previous affidavits.

MR. BARRINGTON: No objection.

COMMISSIONER TAYLOR: Let the affidavit of Hans Karl Hannappel be marked SA Stahlhelm No. 14 for identification.

COMMISSIONER TAYLOR: The affidavit of Wilhelm Gewiess is marked SA Stahlhelm No. 15 for identification.

DR. KLEFISCH: Affidavit No. 16 submitted by Administrative Inspector Benno Fork, of Duisburg, refers to the transfer according to lists of SA Reserves within the Stahlhelm without questioning and against the will of the Stahlhelm in this work.

Similar or the same conditions are present here, as in the other affidavits.

H1036 - 0048

Of special importance in this affidavit is the fact that a certain president of a Senate, Dr. Royce, was not able to leave the SA. Because if he had left it probably would have meant his losing his official position.

COMMISSIONER TAYLOR: Any objection to this affidavit?

DR. KLEFISCH: May I add the following: I should like to call your attention to the fact that this affidavit was sworn to before a Notary Public on 3 July 1946, that I believe is in reality too late. But at the beginning of his deposition Benno Fork says that in his district no allied officer had been prepared to take down his affidavit.

COMMISSIONER TAYLOR: The affidavit is in the form of acknowledgment -- it will be accepted now.

Let the affidavit submitted be marked for identification, SA Stahlhelm No. 16.

DR. KLEFISCH: Affidavit No. 17 refers to the Gau Hessen-Nassau and the Kurpfalz. The affidavit was made by Wilhelm Goertz, teacher.

COMMISSIONER: Any objections to Affidavit No. 17?

MR. BARRINGTON: I don't understand whether it was said to be similar to the one from before.

DR. KLEFISCH: It is desired to take a number of affidavits and then have them on the record as one affidavit, as a summary.

COMMISSIONER: In other words, you want to summarize a number of affidavits in one summary, and refer to them as affidavits numbers so and so,.....

DR. KLEFISCH: Yes.

COMMISSIONER: Proceed, then, doctor.

DR. KLEFISCH: The contents of No. 17 are similar to those of the previous ones in essential respects.

COMMISSIONER: Let us mark the affidavit of Goertz as SA Stahlhelm No. 17 for identification.

H1036 - 0049

DR. KLEFISCH: No. 18 is an affidavit of Dr. Bernd Davids. This affidavit refers to the Stahlhelm and University Group in Muenster.

COMMISSIONER: We have spent practically two hours now and we have only 17 affidavits. Can you give this in a more concise and brief manner so we can be through by one o'clock, please?

DR. KLEFISCH: I will be finished in half an hour.

The peculiarity of this document is that the University Group was transferred without having any chance to voice their opinion upon the occasion of assembly.

COMMISSIONER: Any objections to the affidavit submitted?

Then let the affidavit be marked SA Stahlhelm No. 18 for identification.

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DR. KLEFISCH: Number 19 is an affidavit given by Professor Doctor Georg Eisser, University of Tuebingen. In general, this affidavit confirms the contents of the other affidavits.

Of importance in this document is the fact that very often members of the Stahlhelm had been transferred, had been given higher ranks within the SA corresponding with the ranks of higher offices, more and more. But that, on the other hand, there was no corresponding duty or service to be given by these men according to the rank which they had been given by the SA. Because the higher SA services and duties had to be performed almost exclusively by older SA men.

COMMISSIONER: Any objections?

MR. BARRINGTON: There appears to be something about the newspaper of the SA Mann.

DR. KLEFISCH: Yes, sir.

MR. BARRINGTON: I should like to know what the point of reference to that is.

DR. KLEFISCH: Just a moment please ..... The witness says that the newspaper, the SA Mann, was read only by very few of the men. Towards the end of the affidavit witness says that he considered the military training received as nil in his capacity as a former officer of the Reserves.

MR. BARRINGTON: I don't know what paragraph of the SA Mann is in the

H1036-0050

affidavit. I think it is the last one.

COMMISSIONER: Which paragraph do you want the interpreter to read?

MR. BARRINGTON: I think it is the last paragraph, as far as I can see.

COMMISSIONER: The one that has reference to the newspaper? It is at the bottom of page two.

MR. BARRINGTON: Yes.

COMMISSIONER: Interpreter, translate that paragraph.

(Translation): The lack of political interest was clearly shown by the propaganda made by the leadership for the purchase of the paper, the SA Mann. Our Sturm, the lowest subscription was scarcely reached. Only very few of them, and these had more or less decided voluntarily to subscribe to the SA Mann, probably read the paper at all. The comrades of Our Sturm at any rate were not taken by the spirit, or rather the lack of spirit of this paper.

MR. BARRINGTON: I have no objection.

COMMISSIONER: Let the affidavit submitted be marked SA Stahlhelm No. 19 for identification.

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DR. KIEFISCH: We now turn to Affidavit No. 30.

COMMISSIONER: At this time let the record show that Affidavits numbered 20 through 29 inclusive, have been withdrawn from the file by defense counsel.

DR. KIEFISCH: Affidavit No. 30 was given by Walter Allissat of Essen, and refers to the transfer of the Stahlhelm in Essen. And in general repeats the contents of the other affidavits.

COMMISSIONER: No objection to that affidavit?

MR. BARRINGTON: No objection.

COMMISSIONER: Let the affidavit be marked SA Stahlhelm No. 30 for identification.

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DR. KIEFISCH: Number 33 is an affidavit given by Rudolf Wanner of Utting a/Ammersee. That the SA Reserves were dissolvedin this district in 1935, as mentioned by this witness, is of special importance; while in the other

H1036-0051

districts they existed until the very end, as mentioned by counsel.

COMMISSIONER: Any objection to that? Let it then as presented be marked SA Stahlhelm No. 33 for identification.

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DR. KLEFISCH: Number 34, given by Dr. Carl Schleussner, refers to the Stahlhelm transfers in Frankfurt. The affidavit was given before the Assistant Counsel John Klefisch on 1 June 1946.

COMMISSIONER: The affidavit is accepted as to the form of acknowledgment.

DR. KLEFISCH: The contents are the same as the affidavits which refer to the other districts.

COMMISSIONER: Any objection? Let the affidavit presented be marked SA Stahlhelm No. 34 for identification.

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DR. KLEFISCH: Affidavit No. 37 given by Rainer, Pittinger, Augsburg, refers to the Stahlhelm in Muenchen and Augsburg.

COMMISSIONER: Any objections? Let the affidavit presented be marked SA Stahlhelm No. 37 for identification.

DR. KLEFISCH: The contents agree essentially with the contents of the previous affidavits.

COMMISSIONER: You stated that before -- that is the reason I let the affidavit be marked as received.

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DR. KLEFISCH: The same applies to Affidavit No. 38. Given by Hans Otto Bolln.

COMMISSIONER: Any objection to that affidavit? The affidavit as submitted will be marked SA Stahlhelm No.38 for identification.

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DR. KLEFISCH: Number 39 is an affidavit by Dr. Ehrich Arauner of Kitzingen. This affidavit is of special significance because witness says that without his doing anything he was given an SA identification card in 1934. That is, the remark by counsel is proof, or sort ofproof of compulsory transfer. Because this man was financially relatively independent he refused to be

H1036-0052

transferred like the others who because of certain financial insecurity and fear did not oppose their transfers. This witness also added several documents to his affidavit, which are of importance for this transfer, in my opinion.

COMMISSIONER: Any objections?

MR. BARRINGTON: I don't think he gives any indication of what the attached document is.

COMMISSIONER: I believe he states a copy of his membership card was given, as Exhibit.

MR. BARRINGTON: I see that, but there is a letter also, signed by a Kreisleiter.

DR. KIEFISCH: I have also added the statement that was sent to the witness on the occasion of his transfer. This statement certifies his entry into the SA, retroactively.

MR. BARRINGTON: It seems to me that this was one of those cases the Tribunal held not to be relevant.

DR. KIEFISCH: It does not refer to an individual, but he speaks of his entire Sturm.

MR. BARRINGTON: In that case I will take it as to what Dr. Kiefisch said.

COMMISSIONER: Let the affidavit submitted be marked SA Stahlhelm No. 39 for identification.

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DR. KIEFISCH: No. 40 is an affidavit submitted by Karl Wehr, Weingutsbesitzer, Bernkastel, concerning transfers of Stahlhelm in the Moselle district, and is, on the whole, identical with the other affidavits.

COMMISSIONER: Let the affidavit submitted be marked SA Stahlhelm No. 40 for identification.

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DR. KIEFISCH: Affidavit No. 41 given by Wilhelm Biehlmaier, Ingolstadt, refers to Stell Helmet in Ingolstadt. The contents are identical with the previous affidavits.

MR. BARRINGTON: We had one on that before.

DR. KIEFISCH: That may be true.

H1036-0053

MR. BARRINGTON: I won't take objection to that, however.

COMMISSIONER: Let the affidavit as submitted be marked SA Stahlhelm No. 41 for identification.

DR. KIEFISCH: In this Ingolstadt document there are some points mentioned not mentioned in the previous Ingolstadt affidavit.

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DR. KIEFISCH: No. 42, an affidavit by Julius Heil, Augsburg, refers to the Stahlhelm in Passau and also is identical with the previous affidavits.

COMMISSIONER: Let the affidavit be marked SA Stahlhelm No. 42 for identification.

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DR. KIEFISCH: No. 43 is an affidavit by Mergens, a teacher of Monschau that is near the Belgian border. The fact as mentioned in this affidavit, that applications for being allowed to leave the SA were not granted on principle before the application was 15 years of age.

MR. BARRINGTON: No objection.

COMMISSIONER: Let the affidavit be marked SA Stahlhelm No. 43 for identification.

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DR. KIEFISCH: And now, the last one, No. 44. This affidavit was compiled by a large number of persons from all spheres of professional life. And this affidavit was certified by several Notaries Public, different places, at various times. Will it be necessary for me to read the names of the various persons who have given this affidavit? There are 37 in all, I believe.

COMMISSIONER: Unless there is objection to it, the Commission does not object.

MR. BARRINGTON: For identification I think we should give the first name.

DR. KIEFISCH: The first name is Dr. Otto Kolping.

COMMISSIONER: Let the affidavit of Dr. Otto Kolping and others be marked SA Stahlhelm No. 44 for identification.

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COMMISSIONER: Is that all the affidavits, doctor?

H1036-0054

DR. KIEFISCH: Yes.

COMMISSIONER: The Commission will then adjourn until Monday at 10:00 a.m., at which time the SD will present their affidavits.

The foregoing is a true and correct transcript of submission of Affidavits by DR. KLAFISCH, taken on 20 July 1946.

MABEL A. LESSER
Reporter

GERTRUDE FELDT
Reporter

GENEVIEVE BIOLSI
Reporter

CERTIFIED TO:

GEO. R. TAYLOR
Commissioner